

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICK CHIDUME,

Plaintiff,

v.

ORDER TO SHOW CAUSE

GREENBURGH-NORTH CASTLE  
UNION FREE SCHOOL DISTRICT, et al.,

18-CV-01790 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On October 20, 2020, the Court granted a motion to withdraw as counsel for Plaintiff Patrick Chidume, after receiving counsel's application under seal, as well as an *ex parte* e-mail response from Plaintiff. (Doc. 65). In its Order, the Court extended all deadlines in this case for 30 days to permit plaintiff to retain new counsel. (*Id.*). The Court instructed Plaintiff that if he intended to represent himself, he was directed submit his mailing address, telephone number, and email address to the Court within 30 days of the Order. (*Id.*). Plaintiff's outgoing counsel filed proof of service of a copy of the Court's October 20, 2020 Order upon Plaintiff by e-mail that same day, and by regular mail on October 21, 2020. (Doc. 66).

To date, no new counsel for Plaintiff has filed a notice of appearance in this action. Plaintiff has failed to submit his mailing address, telephone number, and email address to the Court. In a letter dated November 23, 2020, Defendant advised that it attempted to contact Plaintiff by e-mail at the e-mail address set forth in his former counsel's proof of service, but the e-mails were returned as undeliverable. (Doc. 67). Defendant notes that discovery is no longer stayed, and seeks responses to requests served more than four months ago. (*Id.*). Defendant filed an affidavit of

service of its November 23, 2020 letter upon Plaintiff at the mailing address set forth in Plaintiff's former counsel's proof of service. (Doc. 68). Plaintiff has not responded to date.

Under Rule 41(b), "a district judge may, *sua sponte*, and without notice to the parties, dismiss a complaint for want of prosecution...." *Taub v. Hale*, 355 F.2d 201, 202 (2d Cir. 1966); *West v. City of New York*, 130 F.R.D. 522, 524 (S.D.N.Y. 1990); *Lewis v. Hellerstein*, No. 14-CV-07886, 2015 WL 4620120, at \*1-2 (S.D.N.Y. July 29, 2015); *Haynie v. Dep't of Corr.*, No. 15-CV-4000, 2015 WL 9581783, at \*1-2 (S.D.N.Y. Dec. 30, 2015). Plaintiff's failure to prosecute this action has impeded the Court's efforts to "avoid calendar congestion and ensure an orderly and expeditious disposition of cases." *Cortez v. Suffolk Cty. Corr. Facility*, No. 15-CV-1957, 2016 WL 6302088, at \*2 (E.D.N.Y. Oct. 25, 2016).

Accordingly, it is hereby ORDERED that plaintiff show cause in writing on or before January 4, 2020, why this action should not be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 41(b). Failure to comply with this Court's Order will result in dismissal of this case for want of prosecution.

All deadlines in this case are extended for 30 days. The case management conference previously scheduled for January 6, 2021 is cancelled pending further order of the Court.

Counsel for Defendant is directed to serve a copy of this Order upon Plaintiff at his last known address, P.O. Box 894, Jackson, New Jersey 08527, as well as by e-mail to [pchidume@optimum.net](mailto:pchidume@optimum.net), and file proof of such service on the docket.

SO-ORDERED:

Dated: New York, New York  
December 4, 2020

  
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Philip M. Halpern  
United States District Judge